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NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS.

Technical Memorandum No. 94.

AERIAL CONVENTION OF OCTOBER 13, 1919.

By Capt. Roper.

From "Premier Congrès International de
la Navigation Aérienne," Paris, November, 1921, Vol. I.

FILE COPY

To be returned to
the Chief of the Langley
National Aeronautical
Laboratory.

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May, 1922.



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By Capt. Roper.

On the opening of the Peace Conference in 1918, the delegates assembled at Paris, saw the necessity of considering the future of civil aeronautics. The French government proposed, early in December, 1918, to the American, English, Italian and Belgian governments, to prepare in common a convention for the regulation of international air traffic.

This suggestion was immediately adopted and the Supreme Council of the Peace Conference, by two decisions under date of March 12 and 15, 1919, created an "Aeronautic Commission of the Peace Conference" whose duty, in addition to the work of immediate concern to the conference, was to evolve a set of rules for international air traffic.

This Aeronautic Commission of the Peace Conference, first presided over by Col. Dhé and then by Gen. Duval, was composed of delegates of a dozen powers: the United States, Great Britain, France, Italy, Japan, Belgium, Brazil, Cuba, Greece, Portugal, Roumania and the Servia-Croat-Slovene government, the last seven representing the assembly of the powers with limited interests.

The members of this commission, as designated by the above governments, were:

* From "Premier Congrès International de la Navigation Aérienne," Paris, November, 1921, Vol. I, pp. 191-6.

United States	Rear Admiral Knapp, Major General Mason Patrick.
British Empire	Major General J. E. B. Seely, Major General Sykes.
France	Colonel Dhé, then General Duval; Ship-Captain Chauvin, then Frigate-Captain Valdenaire.
Italy	Mr. Ohiesa, General Moris, then Admiral Orsini.
Japan	General Tanaka, Mr. Yamakawa.
Belgium	Colonel Van Crombrughe.
Brazil	Frigate-Capt. A. Burlamaqui.
Cuba	Mr. De Bustamente.
Greece	Col. A. Mazarakis, then Ship-Capt. Botassis.
Portugal	Col. Norton de Mattos.
Roumania	Col. Dimitresco.
Servia-Croat-Slovene	Commander M. Marinkovitch.

The aeronautic commission, thus constituted, first decided to draw up a list of principles, before taking up the elaboration of the proposed regulations, which were to take the form of an international convention.

These principles, to the number of a dozen, were unanimously adopted. They served to guide the two subcommissions, the technical and the juridical, which were created by the commission, charged by it to prepare the text of the convention and were composed of technicists and jurists designated by the governments of the principal allied powers and of Belgium.

Technical Subcommittee.

President: Lt. Col. Butterfield (U.S.A.).

Vice President: Capt. Finzi (Italy).

Members

United States: Lt. Col. Butterfield,
Lt. Com. J. L. Callan, U.S.N.R.
Lt. Ralph Kiely, U.S.N.

British Empire: Col. Blandy,
Major James.

France: Lt. Col. Sacconey,
Com. D'Aiguillon,
Sloop-Capt. De L'Escaille,
Com. Duseigneur,
Mr. Lallemand,
Mr. Soreau.

Italy: Admiral Orsini,
Lt. Col. Constanzi,
Lt. Col. Berliri,
Lt. Col. Guidoni,
Capt. Finzi.

Japan: Prof. Tanakadate,
Ship-Lieut. Takata.

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Juridical Subcommittee.

President: Mr. D'Aubigny (France).

Vice Presidents: Prof. Buzzati (Italy),
J. H. L. White Smith (British Empire).

Members.

U.S. of America: Com. Pollock, U.S.N.
Lt. Com. J. L. Callan, U.S.N.R.F.
Capt. Bacon, A.S.U.S.A.

British Empire: Capt. Tindal Atkinson,
Mr. White Smith.

France: Mr. D'Aubigny,
Com. D'Aiguillon,
Mr. Bolley,
Mr. Branet,
Mr. Fighiera,
Mr. Flandin,
Mr. De Navailles,
Mr. Labussiere,
Mr. De Lapradelle,
Mr. Wahl,
Mr. Pasquet,

Italy: S. E. Chiesa,
Mr. Delmati,
Lt. Col. Berliri,
Mr. D'Amelio,
Mr. Buzzati.

Japan:	Mr. Yamakawa, Com. Funakoski.
Belgium:	Mr. Rolin Jaquemyns.

The juridical subcommission drew up the text of the articles of the convention proper and of Annex H.

The technical subcommission drew up the text of annexes A, B, C, D, ^E/_F and G of said convention.

Both subcommissions then combined for examining the convention and its annexes as a whole. The whole text was then studied by the plenary commission, and then given its final form by the redaction committee of the commission.

The convention for the regulation of international air traffic, after being gone over again by the juridical committee of the peace conference, was adopted, after discussion, by the supreme council in its session of September 27, 1919, and signed on October 13, 1919, by the plenipotentiaries of the 32 allied and associated powers enumerated in its preamble.

This convention of October 13, 1919, published "in extenso" in most of the large newspapers of the world, is universally known. It will suffice to recall here that it treats, in 45 articles, general principles for governing air traffic, nationality of aircraft, certificates of navigability, pilots' licenses, admission of the aircraft of the contracting governments over the territory of the other contracting governments, rules to be observed in taking off, in landing and during flight, forbidden shipments, gener-

al dispositions to be taken by all the contracting governments for favoring the development of international air traffic, possible litigation and its regulation. Lastly, the convention provides for the admission of other contracting governments and the creation of an international air traffic commission.

Annex A gives the marks of nationality and registration for all aircraft; annex B, the certificates of navigability; annex C, the books; annex D, beacons and signals; annex E, obtention of licenses by air pilots and navigators; annex F, international maps and aeronautic landmarks; annex G, collection and distribution of meteorological information; annex H, customs regulations.

The general principle underlying this convention is the absolute sovereignty of all the governments over the atmosphere above their territory, coupled with the greatest possible liberty of international air traffic compatible with such sovereignty.

The convention was to remain open for signatures for a period of six months from October 13, 1919. During this period, the supreme council ceased to sit regularly and was represented, after the going into effect of the Treaty of Versailles, January 10, 1920, by the "Conference of the Ambassadors." With the exception of the ambassador from the United States, each ambassador sitting at this conference had at his command an aeronautic expert of his own nationality and these experts, consequently four in number, formed the new Aeronautic Commission of the Peace Conference for the study of problems connected with international air traffic in

general and the execution of the convention of October 13, 1919, in particular,

This commission, which must continue to sit until the creation of the International Air Traffic Commission provided for by the convention, is now composed of:

British Empire:	Brig. General P. R. C. Groves.
France:	Capt. Roper.
Italy:	Col. Piccio.
Japan:	Gen. Watanabe.

At the expiration of the period of six months allowed for signing, on April 12, 1920, a decision of the Conference of Ambassadors extended the time to June 1, in order to enable the governments interested to sign the convention conjointly with a protocol added to the convention on April 12, 1920.

The need of this additional protocol became apparent to the Commission of Aeronautics, as the result of a communication from the Swiss government relative to Art. 5, of the convention of October 13, 1919:

Said Art. 5 stipulates that: "No contracting government shall allow, except by a special and temporary permit, the circulation above its territory of any aircraft not having the nationality of a contracting government."

By adhering purely and simply to the convention, Switzerland, or any other ex-neutral government, would accordingly engage to prohibit the flight of aircraft of former enemy countries over its

territory. Evidently, Switzerland could expect in return to be itself prohibited from flight over their territory, since it did not benefit by the right accorded to the allied and associated powers by Art. 313 of the treaty of peace with Germany. Unreserved adherence on the part of Switzerland would therefore result in depriving her of the right, accorded to the aircraft of the allied and associated powers, to fly over the territory of former enemy countries.

It was necessary to find a way to remove this disability. The method proposed by the Commission of Aeronautics, and which was adopted by the Conference of the Ambassadors, was the addition of said protocol, interpreting Art. 5 of the convention.

By virtue of said protocol, any former neutral government could ask for admission to the convention of October 13, 1919, with the stipulation that it be granted the privilege by the contracting governments to accord liberty of flight over its territory to the aircraft of certain non-contracting governments, which it shall designate. Every such request will be considered. In consideration of the unequal treatment above indicated, it is probable that permission will be accorded in the particular case of relations with any enemy nation or with them all.

Many other problems, raised by the application of the convention, were considered by the Commission of Aeronautics and regulated by the Conference of Ambassadors. The most important is doubtless the number of votes to be accorded the different countries

represented in the future "Commission Internationale de la Navigation Aerienne," or "C.I.N.A." (International Air Traffic Commission), provided for by Art. 34 of the convention.

Certain persons have asked how the clause of Art. 34, which stipulates that the five principal allied and associated powers shall each have such a number of votes that, when this number is multiplied by five, the product shall exceed, by at least one vote, the total number of votes of all the other contracting countries, would be interpreted, if the United States should fail to ratify the convention previous to the institution of the C.I.N.A. It has been asked whether said principal powers, if only four or three, would still cast the majority of the votes in the C.I.N.A.

By adopting, April 13, 1921, the report of the Commission of Aeronautics on this question, the Conference of Ambassadors fixed the interpretation of this clause of Art. 34, the text of which, though perhaps a little arduous, contains no ambiguity: "The principal allied and associated powers, if not all present and unanimous, shall not have the majority in the commission, but only their share of such non-realized majority."

It was important for this point to be made clear without delay, in order to enable the C.I.N.A. to be ready to function, as soon as it should obtain the requisite number of ratifications.

The "Convention for the Regulation of Air Traffic" was signed within the allotted time by the following countries: The United States, Belgium, Bolivia, Brazil, British Empire, Canada, Austro-

lia, South African Union, New Zealand, India, China, Cuba, Ecuador, France, Greece, Guatemala, Italy, Japan, Panama, Poland, Portugal, Roumania, Servia-Croat-Slovene, Siam, Czecho-Slovakia, Uruguay. All the countries likewise signed the protocol of May 1, 1920, within the allotted time, with the exception of Brazil, which signed it June 28, 1921. Two other countries have since signed both convention and protocol: Peru, June 22, 1920; Nicaragua, December 31, 1920.

Consequently, only four of the 27 countries enumerated in the preamble of the convention have not yet signed it: Haiti, Honduras, Hedjaz (Arabia) and Liberia.

Translated by the National Advisory Committee for Aeronautics.

